

BINGHAM

DOCKET FILE COPY ORIGINAL

WC 09-107

Jean L. Kiddoo
Brett P. Ferenchak
jean.kiddoo@bingham.com
brett.ferenchak@bingham.com

FILED/ACCEPTED

JUN 11 2009

Federal Communications Commission
Office of the Secretary

June 11, 2009

By Hand Delivery

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
c/o Natek, Inc.
236 Massachusetts Avenue, N.E.
Suite 110
Washington, DC 20002

**Re: Section 63.71 Application of McLeodUSA Telecommunications Services, Inc.
d/b/a PAETEC Business Services to Discontinue Interstate
Telecommunications Service in the Omaha, Nebraska Metropolitan Area**

Dear Ms. Dortch:

On behalf of McLeodUSA Telecommunications Services, Inc. d/b/a PAETEC Business Services ("PAETEC"), an original and six (6) copies of this above-referenced Section 63.71 Application are enclosed for filing.

Please date-stamp the extra copy of this filing and return it in the envelope provided. Should you have any questions, please do not hesitate to contact Brett Ferenchak at (202) 373-6697.

Respectfully submitted,



Jean L. Kiddoo
Brett P. Ferenchak

Counsel for McLeodUSA Telecommunications Services, Inc.
d/b/a PAETEC Business Services

Cc: Rodney McDonald (FCC)
Carmell Weathers (FCC)

Boston
Hartford
Hong Kong
London
Los Angeles
New York
Orange County
San Francisco
Santa Monica
Silicon Valley
Tokyo
Walnut Creek
Washington

Bingham McCutchen LLP
2020 K Street NW
Washington, DC
20006-1806

T 202.373.6000
F 202.373.6001
bingham.com

JUN 11 2009

Federal Communications Commission
Office of the Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)	
)	
Section 63.71 Application of)	
)	
McLeodUSA Telecommunications)	WC Docket No. 09-_____
Services, Inc. d/b/a PAETEC)	
Business Services)	
)	
For Authority to Discontinue Interstate)	
Telecommunications Service in the)	
Omaha, Nebraska Metropolitan Area)	

SECTION 63.71 APPLICATION

McLeodUSA Telecommunications Services, Inc. d/b/a PAETEC Business Services (“PAETEC”), through its undersigned counsel, hereby files this application to discontinue interstate access telecommunications service pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Section 63.71 of the Commission’s rules, 47 C.F.R. § 63.71, in the Omaha, Nebraska metropolitan area. In support of this Application, PAETEC submits the following information:

1. Applicant’s name and address are as follows:

McLeodUSA Telecommunications Services, Inc.
d/b/a PAETEC Business Services
One PAETEC Plaza
600 WillowBrook Office Park
Fairport, New York 14450

2. The anticipated date for the discontinuance of service is July 11, 2009, or as soon thereafter as the necessary governmental approval can be obtained.

3. The proposed discontinuance of service will affect service in the Omaha, Nebraska metropolitan area, but only within the rate centers designated by the following CLLI

codes: OMAHNENW, OMAHNE90, OMAHNE84 (La Vista), OMAHNEOS, OMAHNEIZ, OMAHNECE, OMAHNEBE (Bellevue), OMAHNEFO, OMAHNEHA, and OMAHNE78. The discontinuance will affect approximately 244 customers.

4. PAETEC proposes to discontinue provision of all of its interstate access telecommunications services to customers who also receive local exchange services in those rate centers.¹ PAETEC has already been authorized by the Nebraska Public Service Commission to discontinue local exchange telecommunications services to the affected customers. *See In re Application of McLeodUSA Telecommunications Services, Inc., Hiawatha, Iowa, seeking to cease providing local exchange voice services in Nebraska wire centers*, Application No. C-3922, Order (Neb. P.S.C. May 28, 2008). PAETEC is separately filing a Notice of Discontinuance of Common Carrier Broadband Internet Access Transmission Service in Docket No. 02-33 with regard to the discontinuance of interstate special access DSL services, which are used for high-speed internet access, in the affected rate centers.

5. PAETEC provided written notice to affected customers on May 26, 2009, in accordance with the requirements of Section 63.71(a). A copy of the customer notice is attached hereto as Exhibit A. Also provided in Exhibit A is a sample of the envelope in which the notices were sent to customers. The return addresses on the envelope demonstrates that these customers were provided an address of the company pursuant to Section 63.71(a)(1) of the Commission's rules. The return address is for PAETEC's customer service center that serves these customers.

¹ PAETEC is not discontinuing interstate long distance services in the affected service area at this time, and customers who choose to do so may retain PAETEC as their long distance carrier after they migrate their local services to a new local carrier. However, customers who do not obtain a new local service provider prior to discontinuance of PAETEC local exchange services will also lose access to long distance services. Accordingly, PAETEC submits this Application with respect to such interstate access services and any long distance services that

6. PAETEC is non-dominant with respect to the interstate access telecommunications service that it proposes to discontinue.

7. As stated above, PAETEC has obtained the approval of the Nebraska Public Service Commission to discontinue local exchange telecommunications services in the affected rate centers. PAETEC, however, has not sought approval for the proposed discontinuation of interstate access service from any state public utility commission because the service it proposes to discontinue is interstate in nature pursuant to *GTE Telephone Operating Cos., GTOC Tariff No. 1, Trans. No. 1148*, 13 FCC Rcd. 22,466 (1998). Nevertheless, in accordance with Section 63.71(a) of the Commission's rules, PAETEC has mailed a copy of this Application to the Governor and the public service commission of the state of Nebraska and to the Special Assistant for Telecommunications for the Secretary of Defense. PAETEC emphasizes that it does not seek to cancel or amend any existing state or federal license or tariff.

8. Questions regarding this application may be addressed to the undersigned counsel to Applicant.

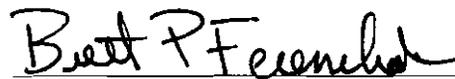
may be discontinued or impaired as a result of the discontinuance of the customers' local exchange and interstate access services.

PAETEC believes that the proposed discontinuance is reasonable and necessary.

PAETEC will take all reasonable steps, to the extent it is able, to assure that the discontinuance of service is not unduly disruptive to the present or future public convenience and necessity. For the foregoing reasons, PAETEC respectfully requests, pursuant to Section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a) and Section 63.71 of the Commission's Rules, that the Commission permit it to discontinue the provision of interstate telecommunications services to certain customers pursuant to Section 63.71.

Respectfully submitted,

McLeodUSA Telecommunications Services, Inc.
d/b/a PAETEC Business Services



Jean L. Kiddoo
Brett P. Ferenchak
Bingham McCutchen LLP
2020 K Street, NW
Washington, D.C. 20006
Tel: 202-373-6697
Fax: 202-373-6001
jean.kiddoo@bingham.com
brett.ferenchak@bingham.com

Its Counsel

Dated: June 11, 2009

Exhibit A

CUSTOMER NOTICE LETTER & ENVELOPE



PAETEC

May 26, 2009

Dear Valued Customer,

Thank you for your business. We sincerely regret to inform you that, on April 11, 2008, PAETEC filed an application with the Nebraska Public Service Commission (NE PSC) to initiate the process of terminating local exchange voice services to some small business customers located in the Omaha Metropolitan Statistical Area (MSA). The Nebraska PSC approved our request in June 2008. As of **June 30, 2009**, PAETEC will no longer be offering or providing local phone service to some small business customers in your area.

We think it is important for you to understand that our decision to turn down service to certain customer segments in the Omaha local exchange voice market comes as a result of a decision made by the Federal Communications Commission (FCC) to grant Qwest relief from various obligations of the 1996 Telecommunications Act. Therefore, as we explained to the FCC, PAETEC is forced to exit the market for local exchange voice services.

To minimize the inconvenience of this transition, PAETEC will reimburse the one-time service charge(s) (non-recurring) associated with the move of your local service to a new phone service provider. Please see the attached 'Reimbursement Form' for details.

To keep and maintain your current telephone number and minimize interruption of your local services, PAETEC encourages you to contact and make arrangements with an alternative phone service provider that offers local services in your area within the **next 30 days**.

Failure to move to a new phone service provider by **July 15, 2009**, will result in a telephone number reassignment and a disconnection of your current service. **A disconnection of your service will prevent you from receiving incoming and placing outgoing calls, including 911 emergency calls on or after July 15, 2009.** If your number is disconnected, it will not be possible to keep your current telephone number when moving to a new phone service provider. *Please note: Anytime you move your services to a new service provider, it is possible that you may be assigned a new telephone number.*

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the Sec. 63.71 Application of McLeodUSA Telecommunications Services, Inc. d/b/a PAETEC. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

We appreciate your loyalty and apologize for the inconvenience this may cause. If you have questions regarding this matter, please contact a PAETEC Customer Care representative at **(800) 593-1177**.

Sincerely,

PAETEC Customer Care



PAETEC
P.O. BOX 3177
CEDAR RAPIDS, IA 52406-3177

VERIFICATION

I, William A. Haas, state that I am Vice President Regulatory and Public Policy of PAETEC Holding Corp., parent company of McLeodUSA Incorporated, which is the parent company of the McLeodUSA Telecommunications Services, Inc. d/b/a PAETEC Business Services ("PAETEC"), the party in the foregoing *Section 63.71 Application of McLeodUSA Telecommunications Services, Inc. d/b/a PAETEC Business Services for Authority to Discontinue Interstate Telecommunications Services in the Omaha, Nebraska Metropolitan Area*; that I am authorized to make this Verification on behalf of PAETEC; that I have read the foregoing Notice and know the contents thereof; and that the same are true and correct to the best of my knowledge, information and belief and are made in good faith.

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 10th day of June, 2009.

PAETEC HOLDING CORP.



By: William A. Haas

Vice President Regulatory and
Public Policy

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application of McLeodUSA Telecommunications Services, Inc. d/b/a PAETEC Business Services was served this 11th day of June, 2009, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses listed below.

Secretary of Defense
Attn: Special Assistant for
Telecommunications
The Pentagon
Washington, D.C. 20301

Governor Dave Heinman
Office of the Governor
P.O. Box 94848
Lincoln, NE 68509-4848

Nebraska Public Service Commission
300 The Atrium
1200 N Street
Lincoln, NE 68509



Brett P. Ferenchak
Brett P. Ferenchak